



DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
OFFICE OF THE ADJUTANT GENERAL OF VIRGINIA  
JOINT FORCE HEADQUARTERS - VIRGINIA  
BUILDING 316, FORT PICKETT  
BLACKSTONE, VIRGINIA 23824-6316

REPLY TO  
ATTENTION OF

VAFM-E (200)

19 May 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Standing Operating Procedure for the VaARNG National Environmental Policy Act Process

1. References:

- a. National Environmental Policy Act (NEPA) of 1969 (Public Law 91-190; 42 U.S.C. 4321 et seq.)
- b. 40 Code of Federal Regulations (CFR), Parts 1500-1508, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, July 1, 1986.
- c. 32 CFR, Part 651: Environmental Analysis of Army Actions: Final Rule, March 29, 2002 (Replaces Army Regulation 200-2).
- d. National Guard Bureau (NGB) NEPA Handbook, March 2002.
- e. NGB All States Memorandum, Guidance for Environmental Documentation, August 2004.

2. When a federal action is proposed, the National Environmental Policy Act (NEPA) (ref 1a) process (encl 1) must be followed to ensure compliance with the NEPA laws and guidelines referenced above.

a. Project Identification.

(1) Determine if the proposed action is a federal action. A federal action includes those projects that involve any of the following: federal funds (to include federally reimbursed state contracts), federal equipment, federal mission, federal personnel or federal permits.

(2) If the project is a federal action:

(a) The proponent must involve the VaARNG NEPA Program Manager (PM) and Joint Forces Headquarters, Environmental Staff (VAFM-E) early in the project planning process.

(b) The proponent of the action must ensure the NEPA process is followed and completed.

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(3) Existing environmental documentation (such as Records of Environmental Consideration, Environmental Assessments, or Environmental Impact Statements) must be less than five years old and approved by the current Major Command structure. Also, to be valid, the VaARNG Environmental Program Manager (EPM) must approve environmental documentation.

(4) Contracts for a proposed project shall not be awarded until the appropriate level of environmental documentation is complete. No federal funds shall be expended, obligated, or awarded for project implementation prior to completion of the NEPA process; however, federal contracts and funds may be awarded for NEPA-related activities to develop documentation required by the NEPA process.

b. Project Description.

(1) Early in the planning process, the proponent must provide an accurate and detailed project description to the NEPA PM. The Project description must include:

(a) Proponent's name, address, phone number.

(b) Purpose of the project.

(c) Priority and necessity of the project.

(d) Project location and address to include a regional map, a site map, and a description of the existing environmental setting (i.e. past and present land use, roads, developments, ownership, and sensitive resources such as wetlands, streams, endangered species, cultural sites etc.).

(e) All temporary and permanent personnel and equipment associated with the project.

(2) The NEPA PM may require additional project information such as additional maps, photos, appropriate correspondence, etc.

c. NEPA Documentation:

(1) The EPM and NEPA PM will determine the level of NEPA documentation required. There are typically 3 levels of NEPA documentation: records of environmental consideration, environmental assessments, and environmental impact statements.

(2) Records of Environmental Consideration (RECs) are prepared to determine if a project has any effect on the environment. A REC is usually, but not always, required if a project qualifies for a categorical exclusion.

(a) Categorical exclusions (CXs) are categories of actions with no individual or cumulative effect on the human or natural environment (encl 4). For a project to be categorically excluded, a project must meet three screening criteria (32 CFR Part 651 SubPart D):



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- i) The project has not been segmented;
  - ii) No exceptional circumstances exist; and
  - iii) One (or more) CX encompasses the project.
- (b) Only the NEPA PM assigns CXs to projects.
- (3) Environmental Assessments (EAs) are conducted to determine the likely environmental effects of the project. EAs are completed when:
- (a) The project is not a CX; and
  - (b) The project is not expected to cause significant effect on the human or natural environment, or
  - (c) The degree to which the project will impact the human or natural environment is unknown.
- (4) Environmental Impact Statements (EISs) examine significant environmental effects of the project and measures to mitigate the impacts. EISs are completed when:
- (a) The project is expected to significantly impact the human or natural environment, or
  - (b) The EA did not result in a Finding of No Significant Impact (FONSI).
- d. If the NEPA PM determines that a project falls under a CX that requires a REC (ref 1c), the proponent shall complete and submit an electronic REC to the NEPA PM for review and approval. The proponent shall fill out the REC to the best of their knowledge and ability. Although the Proponent is not expected to have the expertise to answer all the questions in the REC, the following minimum information must be provided to the NEPA PM by the proponent:
- (1) The original signed REC.
  - (2) Documentation that the National Historic Preservation Act, Section 106 consultation is complete before ground disturbing activities take place: NEPA PM will determine level of Section 106 documentation needed.
  - (3) Environmental Baseline Survey (EBS): Most real estate actions require an EBS. In addition, an EBS may be required if information is not available to complete the Environmental Checklist and REC.
  - (4) Site Visit: NEPA PM may require the proponent to visit and evaluate the project site with VAFM-E personnel.
  - (5) The proponent is encouraged to consult with the NEPA PM for assistance in completing the REC.

e. If the NEPA PM, EPM, and National Guard Bureau (NGB) determine that an EA is required, the proponent shall establish necessary funding to complete the EA should the proponent choose to go forward with the project.

f. If the NEPA PM, EPM, and NGB determine that an EIS is required, the proponent shall establish necessary funding to complete the EIS should the proponent choose to go forward with the project. Projects requiring an EIS are rare and will normally be contracted through NGB.

### 3. Responsibilities:

#### a. Proponent:

- (1) Provide necessary funds to complete NEPA documentation.
- (2) Make initial contact with NEPA PM and disclose full project description early in the planning process.
- (3) Provide all information described in paragraphs 2b and 2d above to the NEPA PM as early as possible in the project planning process but no later than one year before any contracts are awarded.
- (4) Coordinate with stakeholders as directed by NEPA PM.
- (5) Review and sign required environmental documentation.
- (6) Ensure mitigation measures are implemented.
- (7) Monitor project and report status of implementation of mitigation measures to the NEPA PM.

#### b. NEPA PM:

- (1) Ensure necessary research is conducted to complete required environmental documentation.
- (2) Review and approve RECs. Deliver initial REC review to the proponent within five business days of receipt of a REC from the proponent. Ensure appropriate signatures are collected on all environmental documentation.
- (3) Arrange and conduct necessary meetings.
- (4) Coordinate with EPM and NGB.
- (5) Act as primary liaison between stakeholders.
- (6) Ensure proponent or responsible party implements mitigation measures.
- (7) Maintain project administrative record.

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c. EPM:

- (1) Act as secondary liaison between stakeholders.
  - (2) Review, revise, and approve all required environmental documentation.
  - (3) Coordinate with VAFM-E staff to ensure that mitigation measures are implemented by responsible party.
  - (4) Coordinate NEPA documents as necessary with Assistant Chief of Staff, Facilities, Engineering and Management and other Directorates as necessary.
4. For further guidance on this matter please contact the NEPA PM at (434) 298-6445 or the EPM at (434) 298-6427.



CLAUDE A. WILLIAMS  
Major General, VaARNG  
The Adjutant General

4 Encls

1. NEPA Process Flowchart
2. Standard REC
3. Glossary of Terms
4. Categorical Exclusions

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